

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WILLIAM VERA, aka Memo Vera,
Plaintiff,
v.
WARDEN, et al.,
Defendants.

1:22-cv-00893-KES-CDB (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS TO DENY
MOTIONS FOR TEMPORARY
RESTRAINING ORDER AND
PRELIMINARY INJUNCTION

(Doc. 62)

Plaintiff William Vera, also known as Memo Vera, is a state prisoner proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 22, 2023, plaintiff filed a motion for a temporary restraining order and/or preliminary injunction. Doc. 52. Plaintiff filed another motion for a preliminary injunction on November 29, 2023, and included additional documents in support of his claim that his legal and customary mail was censored. Doc. 53. On April 10, 2024, the assigned magistrate judge issued findings and recommendations to deny plaintiff's motions for a temporary restraining order and preliminary injunction because plaintiff had not established that he was likely to succeed on the merits of his claims, had not established he was likely to suffer irreparable harm, and had not established that the balance of equities tipped in favor of granting a preliminary injunction. Doc.

62. Plaintiff filed timely objections on June 24, 2024. Doc. 67.

In accordance with 28 U.S.C. § 636 (b)(1), the Court has conducted a de novo review of this case. In his objections, plaintiff argues that defendants' obstructionism will likely continue to have a chilling effect on plaintiff's constitutional rights and that the defendants have a conspiratory alliance with the local post office to censor mail. Doc. 67 at 2. Plaintiff also conclusory argues that the balance of equities tips in his favor, that injunctive relief is in the public interest, and that he will likely succeed on the merits. *Id.* at 3. However, plaintiff's objections do not meaningfully challenge the magistrate judge's findings and recommendations. Plaintiff's vague and conclusory allegations of obstructionism, retaliation, and conspiracy are insufficient and do not establish any basis for the extraordinary remedy of a temporary restraining order or preliminary injunction.

Having carefully reviewed the file, the court finds the findings and recommendations to be supported by the record and by proper analysis.

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations issued on April 10, 2024 (Doc. 62) are ADOPTED IN FULL; and
2. Plaintiff's motions for injunctive relief (Docs. 52, 53) are DENIED.

IT IS SO ORDERED.

Dated: November 25, 2024


UNITED STATES DISTRICT JUDGE